

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor:	Castell et al.	)	
		)	
Application No.:	09/970,443	)	Art Unit:
		)	Not Yet Accorded
Filing Date:	October 2, 2001	)	
		)	Examiner:
Title:	A PHARYNGOESOPHAGEAL	)	Not Yet Accorded
	MONITORING SYSTEM	)	
		)	
Our File No:	18596-004	)	

**COMMUNICATION IN RESPONSE TO NOTICE OF INCOMPLETE REPLY**  
**(NONPROVISIONAL)**

To: Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

1. On October 2, 2001, the above-referenced patent application was filed in the U. S. Patent and Trademark Office without the filing fee, an executed oath or declaration, or abstract, and was assigned Application No. 09/970,443.
2. On November 8, 2001, a "Notice to File Missing Parts of Nonprovisional Application; Filing Date Granted" was mailed to this firm which required the filing of the statutory basic filing fee of \$1,406.00, an executed oath or declaration, and an abstract.
3. The missing documents, including the required basic filing fee of \$1,406.00, the oath and declaration signed by Donald O. Castell, and an abstract of the disclosure, were filed in the U.S. Patent and Trademark Office on December 2, 2001.
4. On February 20, 2002, a "Notice of Incomplete Reply (Nonprovisional); Filing Date Granted" was mailed to this firm which required the filing of an additional \$45.00, and an abstract.
5. The explanation for the additional \$45.00 charge was for an additional claim fee (88 total claims over 20, instead of 87). However, recalculation by applicants' attorney indicated that the original number of 87 claims over 20 was correct, so that no additional claim fee was needed.
6. Multiple telephone calls were made by my Legal Assistant, Sharon Hale, and my paralegal, Stefan Bump, to the Office of Initial Patent Examination in an attempt to either find out why there was a charge for the additional \$45.00 or, if it was an error, to get it corrected. However, these attempts to obtain clarification of the additional requirements listed on the "Notice of Incomplete Reply" from the Office of Initial Patent Examination were unsuccessful.
7. On June 10, 2002, Mr. Bump spoke with Ms. Monica Young in the Customer Service Department of the U. S. Patent and Trademark Office (Tel. No. 703-308-1202), and was told that the file containing the above-referenced patent ,

application had been transferred to Ms. Young's supervisor in order to clarify the confusion surrounding the additional requirements contained in the "Notice of Incomplete Reply". Mr. Bump stated that the statutory deadline for responding to the "Notice of Incomplete Reply", is set to expire on June 10, 2002 (including five one-month extensions of time), and Ms. Young responded that this issue fell into the category of "Anthrax-scare deadline matters" and instructed Mr. Bump not to worry about this deadline. Further, Ms. Young stated that a Customer Services representative would provide this firm with further clarification in approximately three business days (i.e. by June 13, 2002).

8. Based on the documents available to the applicants' attorney, all of the fees, including the filing fee for this patent application, have been paid in full.
9. Also, on the Fee Transmittal form, the box was checked requesting that any additional fee required should be charged to the attorney's deposit account. If our understanding of the situation is incorrect in any way, **please notify me immediately, either by telephone at (303) 546-1300, or by facsimile at (303) 449-5426.**

Respectfully submitted,

June 10, 2002  
Date

  
James R. Young, Reg. No. 27,847  
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D711 Rec'd PCT/PTO JUN 10 2002

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## FACSIMILE TRANSMISSION

FROM: Stefan Bump

TELEPHONE: 303.546.1411

DATE: June 10, 2002

TIME: \_\_\_\_\_.m. (Boulder)

NUMBER OF PAGES (including this page): 3

F&amp;B FILE: 275258 REC: 2906

TO: Assistant Commissioner for Patents

TELEPHONE: 703-305-8800

FAX: 703-305-8825

## MESSAGE

Please see attached Communication.

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL OFFICE SERVICES AT 303.546.1300 OR  
STEFAN BUMP AT 303.546.1411.

THIS TELECOPY IS INTENDED ONLY FOR THE USE OF THE PERSON TO WHOM IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.